

**IN THE UNITED STATES BANKRUPTCY
COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

IN RE: Nikkia May

Debtor

CHAPTER THIRTEEN

Case Number 23-10245-amc

**MOTION FOR RELIEF FROM AUTOMATIC STAY TO PERMIT
THE GLEN AT SHAWMONT TO PROCEED WITH AN EVICTION FOR
618 AUTUMN RIVER RUN, PHILADELPHIA, PA 19128**

Petitioner, The Glen at Shawmont Station, by and through their attorney, Jénel R. Marraccini, Esquire, moves this Court for an Order granting Relief from the Automatic Stay provided for by 11 U.S.C. Section 362 and in support thereof avers the following:

1. The Petitioner is the owner of the property located at 618 Autumn River Run, Philadelphia, PA 19128, where the Debtor resides.
2. Nikkia May is the Debtor in the above-entitled case under Chapter 13 of the Bankruptcy Code pending in this Court.
3. On JANUARY 26, 2023, the above-named Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code in this court.
4. Subsequent to the filing of the Petition for Relief in Bankruptcy, the Debtor has not paid rent in the following amounts to the Petitioner herein

Date	Description	Charge	Paymen	Balance
02/01/23	Rent Charge	\$1,940.00		\$1,940.00
02/06/23	Late Fee	\$100.00		\$2,040.00
03/01/23	Return check charge	\$50.00		\$2,090.00
03/06/23	Rent Charge	\$1,940.00		\$4,030.00

In addition, due to Debtor's failure to pay the aforementioned post petition rent payments, Petitioner herein has had to incur \$750.00 in legal fees and costs, which Debtor is responsible for in accordance with the parties' lease agreement.

5. The Debtor does not have the means of paying her rent and the Petitioner is without adequate protection.

6. The Debtor has previously filed a bankruptcy a chapter 13 bankruptcy on September 21, 2022 Case number 22-12519-amc.

7. On or about November 4, 2022, Petitioner filed a Motion for Relief from the Automatic Stay to Permit The Glen at Shawmont Station. to proceed with an Eviction For 618 Autumn River Run Philadelphia, PA 19128. A true and correct copy of the Motion for Relief is incorporated by reference and attached hereto as Exhibit "A." On or about November 30, 2022, the Court granted relief from the Automatic Stay giving Petitioner leave to proceed with an eviction for possession of the property. A true and correct copy of the Order is incorporated by reference and attached hereto as Exhibit "B." Thereafter, on or about January 18, 2023, Debtor's case was dismissed for failure to file documents within the requisite time period. A true and correct copy of the Order is incorporated by reference and attached hereto as Exhibit "C."

8. Debtor continues to have the use of the apartment "Rent-Free" has no right to remain therein without paying rent.

WHEREFORE, Petitioner moves this Court for an Order Granting Relief from the Automatic Stay provided for by 11 U.S.C. Section 362 and permitting Petitioner to proceed with an action for possession of the leased premises.

Respectfully submitted,

COHEN MARRACCINI, LLC

/s/ Jénel R. Marraccini

BY:

JÉNEL R. MARRACCINI, ESQUIRE
Attorney for Movant
660 Second Street Pike
Southampton, PA 18966
(215)887-8100

COHEN MARACCINI, LLC
JÉNEL R. MARRACCINI, ESQ.
MICHAEL ADLER, ESQ.
660 Second Street Pike
Southampton, PA 18966
Telephone No. (215) 887-8100
melissa@cohenmarraccini.com
The Glen at Shawmont Station

HEARING DATE: April 4, 2023
HEARING TIME: 11:00 a.m.

**IN THE UNITED STATES BANKRUPTCY
COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

IN RE: Nikkia May

CHAPTER THIRTEEN

Debtor

Case Number 23-10245amc

**CERTIFICATION OF PETITIONER KEVIN DATESMAN IN SUPPORT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY**

I, Kevin Datesman certify the following:

1. I am the Property Manager for the property located at 618 Autumn River Run, Philadelphia, PA 19128, Debtor Nikkia May currently resides at the Premises under the terms of a residential lease. A true and correct copy of the residential lease is enclosed herewith as Exhibit A.
2. I am familiar with Debtor's rental payment history because I am Debtor's landlord and Debtor is my tenant.
3. On January 26, 2023, the above-named Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code in this Court. (Docket No. 1)
4. I am seeking relief from the automatic stay to pursue my state court rights due to Debtor's nonpayment of rent.
5. The amount of Debtor's rent per month *\$1,940.00*

6. At the time of Debtor's Petition for Relief in Bankruptcy, Debtor owed rent totaling \$ 14,617.58 which represents unpaid rent for (7) seven full months and (1) one partial month. Debtor also owed late fees totaling \$700.00. Which represents late fees for (7) seven full months.

7. Subsequent to the filing of the Petition for Relief in Bankruptcy, Debtor's payment history

Date	Description	Charge	Payment	Balance
2/1/23	Rent Charge	\$1,940.00		\$1,940.00
2/6/23	Late Fee	\$100.00		\$2,040.00
3/1/22	Rent Charge	\$1,940.00		\$3,980.00
3/6/22	Late Fee	\$100.00		\$4,080.00

8. Post-petition, Debtor owes rent totaling \$4,030.00, which represents unpaid rent for two (2) full months and two (2) late fees.

9. Debtor's failure to pay rent is cause for relief from the automatic stay.

10. Through this motion, I request relief from the automatic stay so I may initiate a landlord-tenant action in Municipal court seeking possession of the Premises and a Warrant of Removal of Debtor.

I certify under penalty of perjury that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 3/14/23


Kevin Datesman Petitioner

EXHIBIT “A”

**IN THE UNITED STATES BANKRUPTCY
COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

IN RE: Nikkia May

Debtor

CHAPTER THIRTEEN

Case Number 22-12519-amc

**MOTION FOR RELIEF FROM AUTOMATIC STAY TO PERMIT
THE GLEN AT SHAWMONT TO PROCEED WITH AN EVICTION FOR
618 AUTUMN RIVER RUN, PHILADELPHIA, PA 19128**

Petitioner, The Glen at Shawmont Station, by and through their attorney, Jénel R. Marraccini, Esquire, moves this Court for an Order granting Relief From the Automatic Stay provided for by 11 U.S.C. Section 362 and in support thereof avers the following:

1. The Petitioner is the owner of the property located at 618 Autumn River Run, Philadelphia, PA 19128, APT where the Debtor resides.
2. Nikkia May is the Debtor in the above-entitled case under Chapter 13 of the Bankruptcy Code pending in this Court.
3. On SEPTEMBER 21, 2022, the above-named Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code in this court.
4. Subsequent to the filing of the Petition for Relief in Bankruptcy, the Debtor has not paid rent in the following amounts to the Petitioner herein

Date	Description	Charge	Paymen	Balance
10/1/22	Rent Charge	\$1,940.00		\$1,940.00
10/6/22	Late Fee	\$100.00		\$2,040.00
10/6/22	Return check charge	\$50.00		\$2,090.00
11/1/22	Rent Charge	\$1,940.00		\$4,030.00

In addition, due to Debtor's failure to pay the aforementioned post petition rent payments, Petitioner herein has had to incur \$750.00 in legal fees and costs, which Debtor is responsible for in accordance with the parties' lease agreement.

5. The Debtor does not have the means of paying her rent and the Petitioner is without adequate protection.

6. Debtor continues to have the use of the apartment "Rent-Free" has no right to remain therein without paying rent.

WHEREFORE, Petitioner moves this Court for an Order Granting Relief from the Automatic Stay provided for by 11 U.S.C. Section 362 and permitting Petitioner to proceed with an action for possession of the leased premises.

Respectfully submitted,

COHEN MARRACCINI, LLC

/s/ Jénel R. Marraccini

BY:

JÉNEL R. MARRACCINI, ESQUIRE
Attorney for Movant
660 Second Street Pike
Southampton, PA 18966
(215)887-8100

EXHIBIT “B”

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : **Chapter 13**

Nikkia Tamar May :
aka Nikkia Tamar Witcher :
dba Deal Finding Diva :

Debtor(s) : **Bky. No. 22-12519-amc**

ORDER

AND NOW, upon consideration of the *Motion for Relief from Automatic Stay to Permit The Glen at Shawmont to Proceed with an Eviction for 618 Autumn River Run, Philadelphia, PA 19128* (“the Movant”) and the Debtor(s)’ response thereto, and after a hearing, and for the reasons stated in court,

It is hereby **ORDERED** that:

1. The Motion is **GRANTED**.
2. The automatic stay under 11 U.S.C. §362 is modified to permit the Movant to exercise its rights and remedies under applicable nonbankruptcy law to foreclose on and obtain possession of the property located at 618 Autumn River Run, Philadelphia, PA 19128. .



Date: November 30, 2022

**ASHELY M. CHAN
U.S. BANKRUPTCY JUDGE**

EXHIBIT “C”

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:
NIKKIA TAMAR MAY

Chapter 13

Debtor

Bankruptcy No. 22-12519-AMC

ORDER

AND NOW, this _____ day of _____, 202_, upon consideration of the Motion to Dismiss Case filed by Kenneth E. West, Standing Trustee, and after notice and hearing, it is hereby **ORDERED** that this case is **DISMISSED** and that any wage orders previously entered are **VACATED**.

IT IS FURTHER ORDERED that any undisbursed funds held by the Chapter 13 Trustee from payments made on account of the Debtor's plan shall be refunded to the Debtor unless a party in interest files a Motion for Alternative Disbursement within 21 days of the entry of this Order.

Date: January 17, 2023



Honorable Ashely M. Chan
Bankruptcy Judge

Kenneth E. West, Trustee
P.O. Box 40837
Philadelphia, PA 19107

Debtor's Attorney:
PRO-SE

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Debtor:
NIKKIA TAMAR MAY

618 AUTUMN RIVER RUN

PHILADELPHIA, PA 19128

**IN THE UNITED STATES BANKRUPTCY
COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

IN RE: Nikkia May

Debtor

CHAPTER THIRTEEN

Case Number 23-10245-amc

**MOTION FOR RELIEF FROM AUTOMATIC STAY TO PERMIT
ORDER GRANTING RELIEF FROM STAY**

The Motion of Petitioner, The Glen at Shawmont Station requesting Relief from the Automatic Stay provided for by Section 362(a) of the Bankruptcy Code is GRANTED.

It is further ORDERED that Petitioner is Granted leave to proceed with an action for possession of the property and/or eviction of the Debtor.

BY THE COURT

J.

Notices sent to:

Nikkia Tamar May
618 Autumn River Run
Philadelphia, PA 19128

Kennwth E. West
Office of the Chapter 13 Standing Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

Paul H. Young
Young, Marr, Mallis & Deane, LLC
3554 Hulmeville Rd. Ste 102
Bensalem, PA 19020

United States Trustee
Office of U.S. Trustee
Robert N.C. Nix Federal Building
900 Market Street
Suite 320
Philadelphia, PA 19107